

FINAL STATEMENT OF REASONS

a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Section 35011(a)

Specific Purpose:

The specific purpose of this revision is to expand the term agency to include "department, county adoption agency or licensed adoption agency." The editorial change is to provide clarity and consistency that the responsible adoption agency shall recruit prospective adoptive parents for children who are freed for adoption.

Factual Basis:

This section is necessary to meet the requirements specified in Senate Bill (SB) 1013 (Chapter 35, Statutes of 2012, section 23), Family Code section 8710, that county adoption agencies are no longer licensed by the State Department of Social Services, but authorized to perform services as an adoption agency. Licensed adoption agencies are licensed by the Department to provide adoption services. The editorial revision in this section is to clarify that the responsible adoption agency shall recruit prospective adoptive parents for children who are freed for adoption.

Final Modification:

Following the public hearing, at the Department's discretion, this section was further amended for clarity. It was amended to read, "...children for whom a plan of adoption is being recommended" instead of "...children who have been freed for adoption." Children freed for adoption have already had a plan of adoption recommended within their case file. The original language was limiting as it represented only children who had been legally freed for adoption. While that process occurs the child is still awaiting permanency. The amended regulation still includes children freed for adoption while also including children awaiting adoption and it adheres to existing practices.

c) Local Mandate Statement

These regulations do impose a mandate upon local agencies, but not on school districts. There are no "state-mandated local costs" in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code because any costs associated with the implementation of these regulations are costs mandated by the federal government within the meaning of Section 17513 of the Government Code.

d) Statement of Alternatives Considered

There are no alternatives to these regulations. The CDSS, Children and Family Services Division is responsible for oversight and providing guidance to ensure that public welfare adoption agencies, private adoption agencies and foster agencies follow laws and regulations regarding recruitment of prospective adoptive and foster individuals in accordance with federal Public Law 103-382 and Public Law 104-188, and Family Code sections 8708 and 7950 to eliminate racial, ethnic and national origin discrimination and bias in adoption and foster care placement. These regulations prohibit delay or deny placement of a child for adoption or foster care, based on race, color, or national origin (RCNO) of the adoptive or foster parent, or the child. An agency is prohibited from denying anyone the opportunity to become an adoptive or foster parent, on the basis of RCNO or culture of the individual parent or child in accordance with the law. These regulations require agencies to recruit a diverse base of prospective adoptive and foster parents to meet the needs of the children in out of home care. Recruiting adoptive parents who express an interest in adoption of a child who has been legally freed for adoption increases the annual percentage of adoptions.

The CDSS has determined that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

e) Statement of Significant Adverse Economic Impact On Business

The CDSS has determined that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made based on the knowledge that these activities are a part of the adoption/foster care process and it would be a cost savings when a child is adopted, as the state no longer pays for foster care.

i) Testimony and Response

These regulations were considered at the public hearing held on December 5, 2017 in Sacramento, California. No written or oral testimony was received during the 45-day comment period from October 20, 2017 to 5:00 p.m. December 5, 2017.

j) 15-Day Renotice Statement

Pursuant to Government Code section 11346.8, a 15-day renotice and complete text of modifications made to the regulations and its supportive documents were made available to the public following the public hearing. The renotice period was August 4 through 21, 2018. There were no comments received as a result of the renotice and no further amendments have been made to the regulations.